

REMARKS

The September 10, 2008 Office Action was based upon pending Claims 7-38 and 45-54. This Amendment cancels Claims 11, 16-24, and 39-50. Thus, after entry of this Amendment, Claims 7-10, 12-15, 25-38, and 51-54 are pending and presented for further consideration.

ISSUES RAISED IN THE OFFICE ACTION

The Office Action allowed Claim 7-10, 12-15, 25-38 and 51-54.

In addition, the Office Action rejected Claims 16, 17, 19, 21, 23-25, 45, 46, 48 and 50 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,188,973 to Martinez, et al. (hereinafter "Martinez"), in view of U.S. Patent No. 5,905,867 to Giorgio (hereinafter "Giorgio").

Further, the Office Action rejected Claim 11 under 35 U.S.C. §103(a) as being unpatentable over Martinez in view of Giorgio, and further in view of U.S. Patent No. 4,479,115 to Holzhauer (hereinafter "Holzhauer").

The Office Action also rejected Claims 20 and 49 under 35 U.S.C. §103(a) as being unpatentable over Martinez, in view of Giorgio, and further in view of U.S. Patent No. 5,245,615 to Treu (hereinafter "Treu").

In addition, the Office Action rejected Claims 18 and 47 under 35 U.S.C. §103(a) as being unpatentable over Martinez, in view of Giorgio, and further in view of U.S. Patent No. 5,581,712 to Herrman (hereinafter "Herrman").

Furthermore, the Office Action rejected Claim 22 under 35 U.S.C. §103(a) as being unpatentable over Martinez, in view of Giorgio, and further in view of U.S. Patent No. 5,627,965 to Liddell, et al. (hereinafter "Liddell").

ALLOWABLE SUBJECT MATTER - CLAIMS 7-10, 12-15, 25-38 AND 51-54

The Examiner allowed Claims 7-10, 12-15, 25-38 and 51-54. Accordingly, Applicant has canceled the other pending claims so that Claims 7-10, 12-15, 25-38 and 51-54 can proceed to allowance.

For the record, Applicant also desires to note that not all of the limitations of allowed Claims 7-10, 12-15, 25-38 and 51-54 are included in the statement of reasons for allowance and that it is the claim as a whole that is determined to be patentable and not any specific limitation. Applicant also respectfully disagrees to the extent the language of the claims is paraphrased and not reproduced word for word in its entirety.

REJECTION OF 16, 17, 19, 21, 23-25, 45, 46, 48 AND 50 UNDER 35 U.S.C. §103(a)

The Office Action rejected Claims 16, 17, 19, 21, 23-25, 45, 46, 48 and 50 under 35 U.S.C. §103(a) as being unpatentable over Martinez, in view of Giorgio. Applicant has canceled Claims 16, 17, 19, 21, 23-25, 45, 46, 48 and 50, so this rejection is now moot.

REJECTION OF CLAIM 11 UNDER 35 U.S.C. §103(a)

The Office Action rejected Claim 11 under 35 U.S.C. §103(a) as being unpatentable over Martinez in view of Giorgio, and further in view of Holzhauser. Applicant has canceled Claim 11, so this rejection is now moot.

REJECTION OF CLAIMS 20 AND 49 UNDER 35 U.S.C. §103(a)

The Office Action rejected Claims 20 and 49 under 35 U.S.C. §103(a) as being unpatentable over Martinez, in view of Giorgio, and further in view of Treu. Applicant has canceled Claims 20 and 49, so this rejection is now moot.

REJECTION OF CLAIMS 18 AND 47 UNDER 35 U.S.C. §103(a)

The Office Action rejected Claims 18 and 47 under 35 U.S.C. §103(a) as being unpatentable over Martinez, in view of Giorgio, and further in view of Herrman. Applicant has canceled Claims 18 and 47, so this rejection is now moot.

REJECTION OF CLAIM 22 UNDER 35 U.S.C. §103(a)

The Office Action rejected Claim 22 under 35 U.S.C. §103(a) as being unpatentable over Martinez, in view of Giorgio, and further in view of Liddell. Applicant has canceled Claim 22, so this rejection is now moot.

NO DISCLAIMERS OR DISAVOWALS

Although the present communication may include alterations to the application or claims, or characterizations of claim scope or referenced art, Applicants are not conceding in this application that previously pending claims are not patentable over the cited references. Rather, any alterations or characterizations are being made to facilitate expeditious prosecution of this application.

Applicants reserve the right to pursue at a later date any previously pending or other broader or narrower claims that capture any subject matter supported by the present disclosure, including subject matter found to be specifically disclaimed herein or by any prior prosecution.

Accordingly, reviewers of this or any parent, child or related prosecution history shall not reasonably infer that Applicant has made any disclaimers or disavowals of any subject matter supported by the present application.

OTHER APPLICATIONS OF ASSIGNEE

Applicants wish to draw the Examiner's attention to the following co-pending applications of the present application's assignee.

Appl. No.	Filing Date	Attorney Docket No.	Title
08/942,402, now U.S. Pat. No. 6,338,150	10/01/97	MTIPAT.118A	Diagnostic And Managing Distributed Processor System
09/911,884, now U.S. Pat. No. 6,681,342	07/23/01	MTIPAT.118C1	Diagnostic And Managing Distributed Processor System
11/586,282	10/25/06	MTIPAT.118C1D1	Diagnostic And Managing Distributed Processor System

Applicant notes that cited references, office actions, responses and notices of allowance currently exist or will exist for the above-referenced matters. Applicant also understands that the Examiner has access to sophisticated online Patent Office computing systems that provide ready access to, for example, specification and drawing publications, pending claims and complete file histories, including, for example, cited art, office actions, responses, and notices of allowance.

Applicant respectfully requests that the Examiner continue to review these file histories for current information about these matters. Also, if the Examiner cannot readily access these file histories, the Applicant would be pleased to provide any portion of any of the file histories at any time upon specific Examiner request.

CONCLUSION

Applicants have endeavored to address all of the Examiner's concerns as expressed in the outstanding Office Action. In light of the above remarks, reconsideration and withdrawal of the outstanding rejections is specifically requested.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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